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THE DIRECTOR
MAJOR INFRASTRUCTURE ASSESSMENTS
DEPARTMENT OF PLANNING
GPO Box 39
SYDNEY NSW 2001

Attn: Anna Johnston,

Subject Coal & Allied Southern Estates – Nords Wharf (MP10-0088)

**SSS Listing & Concept Plan – Up to 90 Dwellings, The Dedication Of Approx
117 Hectares Of Conservation Land and Associated Infrastructure**

This correspondence is in reference to the Department of Planning's correspondence in relation to the above application lodged under Part 3A of the Environmental Planning and Assessment Act, 1979.

Council officers have prepared this submission on behalf of Council. The concerns expressed in the attached Schedule are therefore the collective views of Council officers.

The Department is requested to report these concerns to the Minister when seeking a decision under Part 3A of the Environmental Planning and Assessment Act, 1979 and State Environmental Planning Policy (Major Projects) 2005.

Should you require further information, please contact the undersigned on 4921 0455 or by e-mail on dpavitt@lakemac.nsw.gov.au.

Yours faithfully

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Development Assessment and Compliance

Schedule Of Issues

Proposed Concept Plan - Upto 90 Dwellings, The Dedication Of Approx 117 Hectares Of Conservation Land And Associated Infrastructure – Lake Macquarie City Council Submission

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1 SOCIAL IMPACT

1.1 Summary of SIS prepared by Urbis

Context:

Nords Wharf currently has a population of 870 people, however this increases over the summer period due to holiday makers.

The population is characterised by a higher proportion of 5-19 year olds and a lower proportion of people aged 65 years and over, than Lake Macquarie generally, and Australia. This is also reflected by the population having a higher proportion of couple families with children.

The residents of Nords Wharf have a higher average personal income than both Lake Macquarie and the State, and are heavily car dependent.

In 2006, there were 293 occupied dwellings designated as separate houses, which accounts for 100% of the dwellings in Nords Wharf.

In terms of current social service provision, there is little excess. Nords Wharf currently has a community preschool and community hall, a convenience store, receives a limited bus service, and has no General Practitioner (GP) service or aged care facilities.

Projections

The proposal to develop an additional 90 lots is estimated to result in an additional 269 residents at the completion of the development. This is based on the assumption of 2.99 persons per household.

Planning implications

The SIS identifies that the scale of growth is unlikely to have any negative impact for the community. However, the SIS also identifies that there is little apparent excess capacity in current service provision, and that the general areas of need are:

- Improved public transport services and the provision of community transport facilities, which would assist in connecting community members with various types of social infrastructure - medical, ancillary services, secondary education, culture, leisure etc;
- Adaptable and affordable housing, and other services and facilities that support ageing in place;
- Recreational facilities for children and young people;
- Multipurpose community facilities;
- Foreshore/park embellishments that protect and enhance the local environment; and
- Retail/employment facilities.

The SIS reports that social infrastructure special allocations and public transport proposals have been addressed within the EA.

1.2 Summary of Stakeholders Comments

Coal and Allied have sought the views of stakeholders through the charette process and through community workshops. These revealed that there are mixed views regarding the

proposal, with some residents welcoming the additional community infrastructure and higher order commercial services that would result from additional development if it proceeded. However, others expressed their dissatisfaction with the proposal, expressing the need to maintain conservation corridors.

Other matters identified included:

- The need for additional medical, dental and related services;
- The need for facilities for children with bikes;
- That boat parking is an issue, and the boat ramp needs upgrading;
- A common concern regarding traffic issues related to the proposal;
- Concern regarding the future of the Scout Camp; and
- The need for new housing to attract young families to the area.

1.3 Assessment of the SIS

The SIS covers the context of the proposal very well, and assumes that the proposal will result in an additional 269 residents at the completion of the development. This is based on the assumption of 2.99 persons per household, which is the current occupancy ratio. However, no evidence has been provided to justify this assumption. Council has recently undertaken background studies for the future development of the Morisset Contributions Catchment area for the period 2010-2025. Future development in this area is predominately detached housing on individual lots, mirroring the likely development at Nords Wharf. These studies identified an occupancy ratio of 2.91 persons per household. Therefore, based on this occupancy ratio, it is estimated that the development of an additional 90 lots will result in an additional 262 residents.

With regards to the planning implications identified by the SIS, I agree that there is little apparent excess capacity in current service provision, and with the general areas of need. However, the SIS claims that

“While the community will be affected by the proposed development, in general terms, the scale of growth in relation to the base population is unlikely to have any negative impact for the community of Nords Wharf and, with appropriate planning, could result in many positive benefits”

and

“In relation to Nords Wharf, we conclude that the impact of the development is unlikely to have an adverse impact upon social infrastructure and has the potential for positive effects”

In making these claims, the SIS has not provided any evidence to support them. The SIS has not identified who will benefit, and has not investigated the full range of negative impacts associated with the development, as there will be some sections of the community that will experience negative impacts.

The SIS also identifies that

“Improved public transport service will be critical to social sustainability, in overcoming social isolation and providing a basic need to individuals without access to car transport”

and that

“through C&A’s statement of commitments, social infrastructure special allocations and public transport proposals are being addressed with the Environmental Assessment”

However, this is not addressed either within the Statement of Commitments or the EA, and the proposal will only exacerbate these issues.

Other matters that have not been addressed adequately in the SIS include:

- The Scout Camp – the EA identifies that they will need to be relocated, however the implications of this have not been addressed;
- Medical facilities – the SIS identifies there are none in Nords Wharf, and only a few located in the surrounding area, which are operating at capacity and have closed their books to new patients. This is of major concern as it means that medical facilities will not be available to the new residents of the proposed development. It will also greatly affect the existing residents of Nords Wharf and the surrounding areas, who will experience longer lead times in seeking appointments/medical care, or require them to travel greater distances for medical care; and
- The impacts associated with the loss of conservation land and its associated flora and fauna, particularly how it will impact on the health and well-being of the existing community.

Whilst the SIS considers the Infrastructure needed for the proposed development (and that Coal and Allied will provide S94 contributions), the SIS fails to consider the full range of social impacts associated with the proposal.

In order to fulfil the Director Generals' requirements, the proponent is required to justify the project, taking into consideration the cumulative impacts of the proposal, the suitability of the site, and whether or not the project is in the public interest. In assessing these, it is vital to consider the full range of social impacts associated with the proposal. The proponent has failed to undertake this assessment, as the SIS only considers the social infrastructure requirements if the proposal proceeds, rather than considering the overall social impacts of the proposal.

The SIS fails to:

- Identify the key social impact issues, including
 - Changes which would occur if the proposal were to proceed
 - Who is likely to be affected by the proposal and in what way
 - Changes which would occur if the proposal did not proceed, and discussion of alternative proposals
 - Short term and long term impact considerations
 - inter-generational and intra-generational equity considerations
 - Impacts that may be both financial and non-financial
- Assess these impacts, including
 - The level of importance of the predicted impacts
 - The number of people likely to be affected
 - Who will benefit and who will lose?
 - Reference to the principles of social justice (equity, access, fairness, inter-generational and intra-generational impacts)
 - The extent to which the interests of the community as a whole are enhanced or sustained
 - The degree of change likely to arise as a result of the proposal, relevant to the existing circumstances
 - The duration of the impacts

- Provide a recommendation that is supported with evidence
- Identify a comprehensive set of mitigations if the proposal is to proceed, including the responses or conditions that should be implemented to help mitigate or avoid any negative social impacts, and to enhance the social benefits. These need to be reflected in the Statement of Commitments for the proposal.

Finally, in its conclusion, the SIS identifies the requirement for community development processes in the southern lands, which allow for the continuity of sustainable, resilient communities, and the expressed Coal & Allied desire of wanting to maintain a strong relationship with the communities in question. However, apart from a commitment to develop a community consultation program for the duration of the construction process, the Statement of Commitments does not detail any other actions that contribute to, or support, community development processes.

1.4 Recommendations

The applicant has failed to consider the social impact issues in justifying the project, including the cumulative impacts of the proposal, the suitability of the site, and whether or not the project is in the public interest. Without information to the contrary, I do not support the proposal, as I believe that it will result in numerous negative social impacts. Some of these issues, as identified above, include the social impacts associated with the loss of conservation lands, isolation issues due to lack of public transport, increased pressure on already limited/stretched health and medical services, and on the current service provision which has been identified as having limited excess capacity.

The applicant needs to undertake a full assessment of the social impacts associated with the proposal, in order to justify the project, taking into consideration the cumulative impacts of the proposal, the suitability of the site, and whether or not the project is in the public interest.

In addition, the Statement of Commitments is to include all of the recommendations that are identified by the social impact assessment to help mitigate or avoid any negative social impacts, and enhance the positive social benefits. This includes the requirement for actions to support the community development processes, as identified by the current SIS, which will allow for the continuity of sustainable, resilient communities.

2 LANDSCAPE / URBAN DESIGN GUIDELINES

2.1 Summary

Comparing with the previous proposal, the proposed development footprint is increases to 10.18 hectares from 9 hectares. The dwelling lots are remained as same, as well as the general road alignment.

As with the Catherine Hill Bay application, the Nords Wharf Concept Plan proposes a strong landscape masterplan, offering the potential for a high quality of design that is appropriate to the scale of development in its setting. However, the Urban Design Guidelines contained within the Concept Plan do not provide a sufficient level of detail to indicate how the design principles are to be resolved and implemented.

The key issues are:

- The Urban Design Guidelines do not provide design quality controls as per the Director General's requirements regarding Urban Design and Built Form (page 6 on Concept Plan). The Guidelines contain design inconsistencies and there is a general lack of detail within the document to demonstrate the feasibility of proposed principles. There is potential for

undesirable landscape and urban design outcomes to be implemented as a result of the 'information gaps' and inconsistencies within these Guidelines;

- It is not clear what role the Urban Design Guidelines play within the development approval process. The landscape treatments of individual lots will play an important role to ensure that the development integrates well within the broader landscape context of Nords Wharf. It is recommended that detailed design guidelines are in place prior to the opening of lots for sale to:
 - provide detailed requirements on landscape treatments;
 - ensure that individual dwellings are designed to comply with these requirements.

Please see below for detailed comments relating to landscape issues:

3 CONCEPT PLAN / ENVIRONMENTAL ASSESSMENT

Part 6.11 Visual

It states that 'the visual impact is addressed in the Concept Plan Principles'. However, there is a lack of information regarding visual assessment in the document. The view points should not only be taken from the area on the other side of the Lake, but also from the Lake itself.

Part 6.12 Bushfire

The guidelines provide inadequate detail to demonstrate how Asset Protection Zone requirements are integrated into the proposed landscape concepts. There is no indication of what design controls to private open space will ensure reduced fuel loads for lots within the APZ, nor how swales in APZ's will be planted to conform to fuel load requirements etc.

3.1 Concept Plan Principles (The Principles)

A1.4 Desired Future Character: Landscape

The Principles provide inconsistent information as the proposed site plan. 'Long blocks will run parallel to the contours. Short blocks will run up and down the site and terminate in views of bushland.' However, the proposed site plan does not show like that.

The Design Guidelines do not provide the relevant information to deliver the desired design outcome as proposed here. The document needs to contain prescriptive guidelines for the future landscaping on private lots. Guidelines need to address controls regarding cut and fill, retaining structures and techniques for the retention of trees within private lots and the public domain to achieve the desired future landscape character and comply with APZ requirements.

A1.5 Desired Future Character: Built Form

The proposed built form characters are not consistent with the requirements in the Guidelines:

- 'One or two storey houses built over car spaces or carports with simple forms and pitched roofs.'
- 'Living areas typically on the second storey with generous balconies and verandahs, creating outdoor rooms that activate the streets and provide passive surveillance over the bush or Crangan Bay.'

None of the Building Types (B2.1) does interpret these design features.

A2.1 Urban Structure

The guidelines do not provide sufficient detail to demonstrate cut and fill would be minimized by locating long street blocks parallel with the contours.

A2.3 Public Domain Landscape

'Landscape to the front of lots will be controlled so that it becomes part of the street landscape. This will be implemented through setback requirements and guidelines for no fencing, limited paving and native planting species.'

However, there is no requirements in this regards detailed in Design Guidelines. It does not provide adequate design controls to react this principle.

A2.4 Access & Movement

Figure A2.4.1 shows a footpath network within the site terminates at the Cul-de-sac. It is recommended that this footpath extends along the development boundary and Branter Road to connect to the foreshore.

The proposed bio-swale covers some sleep-sloped areas. Does it comply with the max slope requirement for bio-swale, ie. 4%?

A2.5 Visual Impact

As mentioned above, there is inadequate assessment on visual impacts of the proposed development. The view point for the visual assessment should not only be taken from the area on the other side of the Lake, but also from the Lake itself.

3.2 Urban Design Guidelines (The Guidelines)

B1.2 Street Types

Street Type B includes the main entry road. It is supposed to be the second NS street on the extension of Government Road. The main entry road should be distinguished from the other local streets by feature streetscape treatment.

It is a great proposal that to retain existing trees in the front setbacks, however, the Guidelines should provide detailed solutions to ensure those trees would not be adversely damaged by road construction works and future house construction works within the 6 metres setbacks.

Street Type c proposes a central swale. Does this street meet >4% slope requirement? Why choose this street to be treated central swale? It is incorrect to plant trees within the bio-swales as shown in the street sections.

Many of the Street type cross sections show footpaving immediately adjacent to the front boundaries of proposed properties. This is the usual allocation for electricity boxes for underground power. So as to not conflict with underground services, the normal allocation for footpaving in Lake Macquarie is 1.8m from kerb for verges $\geq 4.5\text{m}$ and 1.3 m from kerb for verges $\leq 3.5\text{m}$.

The Street type cross sections show various widths for parking bays. Note that the NSW Rural Fire Service in their "Planning for Bush Fire" publications requires that parking bays be 2.6 m wide.

B2.1 Building Types

As mentioned above, the indicative plans and elevations are inconsistent with the design principles as proposed in the Principles. These will be confusing information for the future landowners and local council, who will use this Guidelines as design control document.

The double-gated garage is not suitable to be located near the streetscape, i.e. Village Houses and Bush Houses.

B2.4 Streetscape & Street Setbacks

It is not appreciate to have varied street setbacks on one street, i.e. the primary street, especially a not very long street.

The corner blocks should comply with the front setback requirements on all the street frontages.

B2.6 Private Open Spaces and Landscaping

The Design Guidelines are very vague in relation to private landscaping requirements and only go so far as to say there will be landscaping (planting) and deep soil zones required within private lots. The landscape treatments of individual lots will play an important role to ensure the development integrates well within the broader context of Nords Wharf and therefore. Mmore prescriptive private open space guidelines are required as per the indicative architectural layouts shown in Sections B2.1.

Lawn and permeable paving should not be included into deep soil areas. There is no requirements for landscape work in front setbacks as indicated in Concept Plan. It is very limited plant species selection as shown on Figure B2.6.1

Furthermore, the following issues should be addressed in the Guidelines:

- Indicative max heights and design approach to retaining structures where required;
- Indicative acceptable materials for retaining structures where required;
- Indicative planting treatments and associated soft landscaping to screen/reduce impact of retaining structures.
- Site fencing- what are the acceptable fence types, materials, heights and locations?
Fencing location requirements to individual lots are referred to but no guidelines as to acceptable styles or materials are provided.

4 FLORA & FAUNA

recommendations detailed in the LMCC LEP (2004), DCP 1, TSC Act (amended 2004), Lake Macquarie Flora and Fauna Survey Guideline (2001), Lake Macquarie *Tetratheca juncea* Management Plan (Payne 2001), Lake Macquarie Wetlands Management Study, Lake Macquarie Coastal Management Plan, SEPP 14, 19, 26 & 44, FM Act 1994 and EPBC Act 1999. Flora and fauna comments are provided below:

It is recommended that:

- In accordance with Lake Macquarie City Council Development Control Plan 1 (DCP 1) that the following plans be prepared:
 - Property Management Plan;
 - Construction Management Plan.
- a buffer of 20m between development footprint and Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bio-regions Endangered Ecological Community (EEC)

- an *Angophora inopina* and *Tetratheca juncea* management plan be prepared to ensure the conservation and long term survival of these two threatened species within both the retained areas of the Development Estate and the conservation lands.
- mature and / or hollow-bearing trees shall be retained in the development footprint
- pre-clearing inspections should be undertaken by an ecologist in wooded areas where threatened fauna species have been recorded or are considered likely to occur. This is particularly important in areas where threatened fauna have been noted during recent surveys either breeding or nest-building.
- Staged removal of hollow bearing trees, with qualified ecologist on site to supervise removal of trees:
 - All hollow bearing trees are to be flagged by an ecologist prior to the commencement of works on site.
 - Underscrubbing of the entire site should be carried out by a 4x4 tractor with a slashing deck, this will minimise the establishment of degradation processes and leave a layer of mulch to aid in soil retention in the event of adverse weather. At this time felling of non habitat trees can take place, however a matrix of trees must be maintained to allow animal movement into the designated refuge area.
 - After a period of two weeks, clearing of habitat trees should commence. Clearing must be carried out moving from the fringe of the matrix towards the refuge area.
 - Trees should be 'soft felled' and inspected immediately by an ecologist for displaced fauna. All trees must be left for a minimum of two nights prior to being moved to a stockpile, to allow resident fauna to vacate tree hollows.
 - clearing should ideally take place outside of the dominant breeding seasons of resident fauna, preferably during late Autumn and Winter.
- Weed Management Plan be prepared to facilitate and guide weed management within development, particularly on edge of development with natural bushland
- Species selection for future landscaping works and seed stock for revegetation should be limited to locally occurring native species to maintain local genetic diversity. This should include *Eucalyptus robusta* and other regionally significant species.
- Appropriate vegetation, habitat and bushfire management plans should be included under an Environmental Management Plan.
- Where possible, earthworks should be undertaken during appropriate (i.e. dry) weather conditions. This will ensure that any potential erosion events will be intercepted and that downstream impacts are minimised within any of the drainage lines. This will help to maintain existing habitat characteristics for native fauna in those areas, including those for threatened species.
- Nutrient and sediment control devices should be erected pre-clearing and post-construction works in sensitive areas where degradation processes may be triggered such as areas adjacent to watercourses until suitable rehabilitation has occurred to maintain surface integrity. Furthermore, stockpiles should be subject to individual sediment and nutrient control devices.
- *Phytophthora cinnamomi* Management Plan be formulated and initiated prior to construction

5. HERITAGE

5.1. Aboriginal Heritage

The Heritage Impact Assessment (HIA), 3.2.1 cites the Lake Macquarie Aboriginal Heritage Study (sic). This document has been on exhibition and is now a draft and a public document, which can be found on Council's website. The draft Lake Macquarie Aboriginal Heritage Strategy identifies *Sensitive Aboriginal Cultural Landscapes*. The proposed development in Nord's Wharf falls within a Sensitive Aboriginal Cultural Landscape and therefore the findings of the Strategy should be considered.

The HIA (p35) states that a *midden extends across a portion of the proposed development site* and has *high archaeological potential to contain further intact and undisturbed archaeological deposits*. It also has *a high level of significance to the Aboriginal community*. Although there are mitigation measures, including the commitment to undertake an Aboriginal Heritage Plan of Management, there is no guarantee that a large part of the midden will not be destroyed by the development. There is a suggestion that destruction of part of the midden is acceptable because the majority will be protected by the proposed conservation area zone. Currently, all of the affected area is protected by the 7(1) Conservation (Primary) Zone.

Development of the site as a whole also has high potential to have an impact on other objects within this Sensitive Aboriginal Cultural Landscape.

A Heritage Management Plan should be prepared for items of Aboriginal significance that should include the management of mitigation measures.

5.2. Conclusion

The proposed development is isolated from other Centres in the LGA, which increases car dependency and does not make efficient use of services and facilities. It does not comply with the objectives of the 2020 Strategy or LMLEP 2004 and will involve the clearance of 9 hectares of bushland.

The partial destruction of an Aboriginal midden in an area identified as an Aboriginal Sensitive Landscape is not consistent with the intent of the identification of these sensitive landscapes as a part of the whole LGA and the intent of conserving Aboriginal archaeological sites.

The proposed zones and development controls, particularly permitted uses will exceed what the Concept Plan envisages and is inconsistent with the Standard Instrument. The proposed development is considered unsustainable and is not recommended for this site.

6. PLANNING

The following comments are provided with regard to the SSS listing, rezoning and concept plan proposal:

6.1. State Significance

The proponent has relied significantly on the dedication of lands for conservation purposes and the need to achieve housing growth targets to establish State Significance however both these arguments are considered flawed as follows:

- The justification provided for the dedication of lands for conservation purposes discounts the existing protection afforded to these lands by the 7(1) Conservation (Primary) Zone under LMLEP 2004. The nomination of already protected lands for a conservation off-set

does not result in any significant gain to the environment, instead the disturbance caused by the residential development is considered a net loss of environmental values. The justification that the proposed development should progress because of the proposed conservation offset is not agreed. The land is zoned 7(1) Conservation (Primary) and already provides a high level of protection for the site, particularly when the proposed development does not comply with the objectives of these zones;

- Councils recent assessment of housing growth targets as part of the Lifestyle 2020 review has found an excess of identified greenfield sites in the city. The LHRS provides for 40% of all new dwellings in Lake Macquarie LGA to be in Greenfield locations, and 60% to be infill developments. LS2020 provides for 70% of dwellings to be detached and 30% attached. Council reconciliation of the LHRS and LS2020 provisions has found that:
 - approximately 9000 detached housing lots need to be identified in existing urban areas (infill) to meet detached dwelling targets; and
 - an excess of approximately 5000 potential detached housing lots has been identified in greenfield (fringe) locations.

To meet the objectives of supporting centres, and achieve the dwelling targets in the LHRS and LS2020, Lake Macquarie needs significantly more infill development in existing urban areas. Additional greenfield detached residential development is not a high priority.

If this area is to be recognised for its state significance it should be for its environmental and scenic protection not to facilitate development as would appear by the current proposal.

6.2. NSW Coastal Policy 1997

The concept proposal is considered inconsistent with the NSW Coastal Policy 1997 objectives. The proposal fails to:

- protect areas of high natural or built aesthetic quality;
- design and locate development to complement the surrounding environment and to recognise good aesthetic qualities;
- encourage towns to reinforce or establish their particular identities in a form which enhances the natural beauty of the coastal zone;
- effectively manage and conserve cultural heritage places and landscapes;
- ensure that future expansion or redevelopment of urban and residential areas, including the provision of infrastructure, avoids or minimises impacts on environmentally sensitive areas and cultural heritage;
- promote compact and contained planned urban development in order to avoid ribbon development, unrelated cluster development and continuous urban areas on the coast;
- facilitate consistent and complementary decision making which recognises the three spheres of government; and
- ensure Government agencies efficiently and effectively implement the Coastal Policy in a co-ordinated and collaborative manner.

6.3 Lower Hunter Regional Strategy

The LHRS identifies a need for additional residential land in Lake Macquarie. This appears to have been interpreted by the proponent as a green light for adhoc urban expansion. In reality the LHRS adopts a distinctly hierarchical approach to the location of urban growth. Lifestyle 2020 reflects this approach and provides additional guidance on the most appropriate locations

within the LGA for expansion. As discussed above while the LHRS has identified this area for housing, recent housing growth assessments completed as part of the Lifestyle 2020 review identify that this is not warranted and that there is currently a need for infill not greenfield sites within the city. The provision of additional residential lots at Nords Wharf are not required to meet the targets and objectives of the Lower Hunter Regional Strategy (LHRS). Housing growth is and should continue to be directed toward growth centres such as Glendale, Charlestown, and Morisset that have existing infrastructure and services such that the city is developed in an environmentally, socially, and economically sustainable manner.

6.4 Lake Macquarie City Council Lifestyle 2020 Strategy

Lifestyle 2020 – A Strategy for our Future states that *the coastline, the lake and its foreshore, the District's wetlands, the Wallarah Peninsula and significant areas of bushland will be maintained as an important element of the Planning District's character*. It also states that, Nords Warf will remain as a unique “hideaway” village on the ocean. As a result, urban expansion has been identified at Nords Warf due to the significant heritage values of the existing township and the conservation values of the surrounding bushland.

The proposed rezoning and concept plan for the site is inconsistent with the following strategic directions in the 2020 Strategy:

- A city responsive to its environment;
- A well serviced and equitable city;
- A well designed and liveable city; and
- A city of progress and prosperity; and
- An easily accessible city.

More specifically the proposal does not ensure:

- *The protection and enhancement of the City's biodiversity*

Clearing of bushland at Nords Wharf will adversely affect an area with ecological and visual significance.

- *The focusing of activities at Centres to maximise accessibility*

The site at Nords Wharf is not located in proximity to established centres and does not propose to develop any additional community facilities. This development will increase car dependency by residents wanting to access services and employment.

- *the provision of adequate infrastructure, services and facilities associated with new development*

The proposed development will not provide adequate services, which will result in a major increase in traffic generation as residents travel by car for employment, services and facilities.

- *The provision of a wide range of high quality and interconnected public open spaces that meet the needs of the community and the natural environment*

The development does not propose any additional parks or incorporate quality public open spaces for passive and active recreation.

- *The protection of the scenic amenity of the City*

The substantial addition of lots on the existing population of 153 residents will have a significant impact on the heritage, scenic and environmental values of the area.

- *The promotion of an efficient, accessible and environmentally responsible pattern of development*

The development does not propose any extension or addition to the public transport system (bus service only) and is isolated from the established Centres of the LGA. Residents will remain dependent on cars for access to employment, services and facilities. Linking employment lands to the growth in the Lower Hunter region generally, is simplistic and ignores the fact that isolation of residential development from employment opportunities will compound dependency on private transport, increase traffic, consumption of non-renewable fossil fuels and associated emission of greenhouse gases. The remoteness from employment, services and community facilities is a fundamental reason behind Lifestyle 2020 identifying Nords Wharf, Cams Wharf and Catherine Hill Bay as unique “hideaway” villages. Since the strategy identifies three areas that are suitable for development as discrete neighbourhoods – between Cams Wharf and Caves Beach – the clear intent is to prevent further development of Nords Wharf and Catherine Hill Bay so that their fundamental character is preserved.

6.5 Lake Macquarie Local Environmental Plan 2004 (LMLEP 2004)

The objectives of LMLEP 2004 are to promote balanced development and implement the 2020 Strategy. As outlined earlier, the site was zoned 7(1) under LMLEP 2004. The objectives of the 7(1) zone are to preserve areas of significant vegetation and habitat and conserve, enhance and manage corridors to facilitate species movement. Another objective of this zone is to protect the land from impacts from development on adjoining zones. The zone excludes activities that would prejudice the ongoing conservation of the land and encourages activities that meet the conservation objectives. This zone applies to the site due to its regional environmental significance and conservation values.

The development proposed in the Concept Plan is contrary to the objectives of the 7(1) zones. While the current proposal involves rezoning the land, the Environmental Assessment report does not assess the proposal against the current zone objectives applying to different parts of the site or justify non-compliance with the zone objectives.

Offsets for the proposed development are predominantly located in the 7(1) zone of LMLEP 2004, which has limited subdivision potential. This zone is the most secure land use zone in LMLEP 2004. While Council welcomes the promise of dedication of large tracts of bushland, this land was substantially secured by the land use zone that was endorsed by Council in 2002 and the Department of Planning in 2004.

Clause 17 of the LMLEP 2004 outlines the provision of essential infrastructure required for development. Although the provision of water, electricity, sewer and telecommunications is discussed throughout the Concept Plan, the consideration of the impacts of the provision of infrastructure, under Clause 17(b) has not been addressed. Such services (water, sewer etc) cause long linear disturbances to native vegetation that further fragment and disturb many hectares of bushland.

6.6 Administrative complexity

Fragmented planning controls generate confusion among purchasers and developers. Recent planning reforms sought to address this by promoting consistency of land use administration across the State. The selection of standard template LEP provisions that suit individual Part 3A applications undermines this objective.

6.7 Future Layout and Built Outcomes

The proposed Zoning and Concept Plan will determine the quality and character of the layout and built outcomes. The proposed Concept Plan indicate a future development layout and design that will impact the environmental character of the area, with the following of particular concern:

- The proposed number of lots (ie; 90 lots) would result in a significant shift in the existing setting and character of the area. The development is not supported. However, if approval is issued, then it is requested that the number of lots and associated footprint be significantly reduced such that they do not overwhelm the existing character of the area. It is of note in this regard that the minimum lot size of the existing 7(1) zone is 40 hectares and as such Coal & Allied would have at best been allowed to develop not more than 3 dwellings, a number substantially less than 90;
- The concept that no open space land is proposed is not considered a viable long term solution and warrants further consideration;
- The Complying Codes SEPP does not provide consideration of the coastal, heritage and environmental significance of the area. It is requested that the proposed SEPP exclude the application of the 'Complying Codes SEPP';
- Given the significance of the area it is requested that a development control plan be required as part of the SSS. The DCP should be prepared concurrently with the concept plan to ensure that any future built outcome and development layout is sympathetic of the character of the area.

6.8 Draft Schedule 3 of State Environmental Planning Policy (Major Projects)

The following amendments are requested with regard to Draft Schedule 3 of State Environmental Planning Policy (Major Projects):

- That the exempt and complying development clause be deleted. The clause is not consistent with the standard instrument. This clause also states that development for the purposes of short term holiday or tourist rental of dwelling houses is exempt development. This type of development has been shown to cause ongoing issues for permanent residents and should be confined to limited areas;
- A minimum lot size should be included as outlined in the Standard Instrument. The concept plan and project application state that the proposed development will not exceed 90 lots. It is unclear how this will be ensured, as the proposed listing in Schedule 3 does not state a minimum lot size.

6.9 Ecology, Heritage, Visual, Community, and Service Infrastructure Impacts

It is understood that referrals have been provided to the relevant specialist in Council in this regard so no further comment as been provided.

With regard to Ecology however it is noted that Council has made previous submissions relating to the sensitive coastal ecology of the area. The proposed R2 zone would involve clearing of significant coastal vegetation. The R2 zone is considered excessive and it is requested that, if the application is to proceed, that this footprint be significantly reduced.

6.10 Independent Hearing and Assessment Panel

It is recommended that if the application is to be pursued that the Minister appoint the same Independent Hearing and Assessment Panel for the assessment of the application.

6.11 Conclusion

The proposed SSS, rezoning and concept plan is of concern in that it attempts to override local planning controls that currently protect this environmentally significant area. The proposed state listing, rezoning, and concept plan will facilitate residential development that is disproportionate to the environmental value of the area. The justification for the proposal with regard to proposed conservation offsets and housing targets are flawed in that they do not recognise the lands existing protective zoning nor recent housing needs for the city that have been identified within background studies for the Lifestyle 2020 review. In summary the area of proposed residential development is excessive and is not supported. It is requested that the Minister for Planning recognise the special natural, social and cultural values of the land and maximises the conservation of those values.

7. TRAFFIC

7.1. Traffic Generating Development

The majority of traffic associated with this development should use Awabakal Drive as the access to and from the Pacific Highway, and the impact to the majority of existing residential streets in Nords Wharf should be minimal.

As such, the applicant is proposing to upgrade the intersection of Awabakal Drive and the Pacific Highway. Traffic from existing Nords Wharf residential that aim to travel south would travel to Awabakal Drive to exit onto the highway (particularly in peak hour) to gain the safest access onto the Highway (SB). This is supported, however please note the comment in section 2.6.4.3 below, which requests connectivity between Nords Wharf and Catherine Hill Bay via Awabakal Drive, and therefore requests that this intersection include provision for a pedestrian phase at the proposed signals.

7.2. Road Design

Proposed roads are to conform with Council's DCP requirements as a minimum design, and also any conditions imposed by the RFS. Some of the proposed roads in the Urban Design Guidelines are narrower than Council's minimum requirement.

7.3. Pedestrians and Cyclists

- Footpath is to be provided in accordance with Council's DCP in the proposed residential streets.
- Pedestrian footpath to be provided between the proposed residential estate and other local attractors, including the school and shop.
- Shared path to be provided to connect Nord Wharf to Catherine Hill Bay, connecting from the rear of Area B of the proposed Catherine Hill Bay residential estate, along Awabakal Drive to Government Road. The Awabakal Drive / Pacific Highway intersection is proposed to be upgraded as partial signals and seagull treatment under this proposal. With this shared path that is requested, the intersection of Awabakal Drive and the Pacific Highway MUST have a pedestrian phase installed on the signals at this intersection. The intersection may therefore have to become a fully signalised intersection.

7.4. Public Transport

As stated in the Traffic Report, public transport (ie public bus) may increase as development increases. Identify optimal locations for bus stops to be located close to the proposed estate. At these locations. provide a bus shelter (or bus shelters if the route is two-way). The bus shelters

are to comply with the Disability Discrimination Act (DDA) requirements, and are to be connected to the proposed development by footpath.

8 COMMUNITY FACILITIES PLANNING

The following comments are provided by Council Community Planning Department

8.1. Population

The existing population of Nords Wharf (NW) is 870 persons (as at 2006 census). The C&A Southern Lands Concept Plan Principles for Nords Wharf (CP) identified a proposed new development of 90 lots. Based on an occupancy rate of 2.91 persons/dwelling, which are the development projections for 2010-2015 for the Morisset Contributions Plan this new development will increase the population of NW by 262 persons. This is similar to the existing occupancy rate of Nords Wharf, which is 2.99 persons/dwelling.

8.2. Local Park & Playground

The new population does not warrant the dedication of a new park with play equipment. The closest park to this development area is Gathercole Reserve, 118A Marine Parade, Nords Wharf, which is a foreshore park located within walking distance of this development.

Funding is required to upgrade this existing park with play equipment, park bench and picnic table, which will serve this new development site. A pedestrian footpath is required to be provided to create a linkage from the new development site to Gathercole Reserve.

Outcome: The C&A \$5Million Allocation – Nords Wharf (\$5M) identifies an initiative for a contribution of \$100,000 to the upgrading of Gathercole Park.

Community Planning Response: This initiative is supported, and is in line with the provision of facilities to agreed standards.

8.3. Sporting Facilities

Additional sporting fields and courts are not required to be provided on-site for this development. An existing sporting field, Nords Wharf Oval, is located at 1B Government Road. Funding to upgrade the oval and embellish the facilities is required. Works that may be undertaken include: restoration of the turf playing surface including levelling and extending the ground, seating, reconstruction and sealing of a car parking area and access road, and vehicle barrier/sporting fencing.

8.4. Boat Ramp Facilities

A boat ramp facility at the end of Branter Road is directly adjoining this development area.

Outcome: The \$5M identifies an initiative for a contribution for Boat Ramp Facilities –

Providing additional trailer parking for the Branter Road boat launching ramp and contribute to the upgrade of the Branter Road boat launching ramp - \$230,000.

Contribute to the upgrade of existing boat ramp facilities near Cams Wharf - \$150,000.

The \$5M identifies an initiative for a contribution of \$150,000 to the upgrade of the existing boat ramp facilities near Cams Wharf.

Community Planning Response: Council supports these initiatives, which support works identified in Councils adopted Boatramp rehabilitation Program.

8.5. Future Public Land - Identified

Requirement: The DGEARs under 'Future Public Land' require the applicant to:

Identify any proposed open space or conservation lands and outline arrangement for ownership and control, management and maintenance, funding, public access, revegetation and rehabilitation works, and bushfire management.

Outcome: The SoC under 'Commitments comprising payment of a monetary contribution, or dedication of land /carrying out of work for local infrastructure', states:

No parks or local open space are being dedicated at Nords Wharf

The SoC under 'Traffic and Transport' states:

Areas to be dedicated as public roads will be constructed and embellished in accordance with the specifications of the Concept Plan.

The CP states:

A landscape buffer along the edge of Branter Road will maintain the asymmetrical character of the street and street the estate from the existing settlement of Nords Wharf. (p. 5)

A 10 m landscape buffer of trees and shrubs will screen development from residences on Branter Road (p. 13).

Community Planning Comments:

CP, Figure A1.3.1 – Indicative lot layout indicates a buffer along the southern side of Branter Road. According to Figure 4-1 APZ Map, this vegetation buffer does not include an APZ zone.

CP, Figure A1.3.1 – Indicative lot layout indicates a strip of land between the boundary street and the development area boundary. This width of land ranges from approximately 1-2 metres at the corners of the development area to approximately 25 metres at the widest section. Refer also to B2.3.1 in the UDG or Figure A1.3.1. Within this area, two bio-retention /detention basins are located to the southern boundary of the development area. The land appears to also contain the APZs for the development area. The proposed land ownership of this strip has not been identified.

Council will not accept dedication of land containing APZs. The DGEARs proposed open space land ownership, management, and maintenance arrangements to be identified.

8.6. Asset Protection Zones

Requirement: The DGEARs under 'Bushfire' Item 2 requires the applicant to:

Outline **ongoing management arrangements of any proposed APZs**, including through negotiation with relevant agencies **where APZs are proposed to be located on land to be dedicated for a public purpose**.

The DGEARs under 'Urban design and built form' Item 3 requires the applicant to

Provide details of proposed treatment of **all public domain areas**.

Outcome:

The EA, Section 2.4.3 states in relation to APZs:

They will **require continuous vegetation control** (p.17)

The CP states:

Bushfire APZs that are provided on the perimeter of the development footprint. APZs are included in the perimeter streets and in housing setbacks. Lots addressing the foreshore are longer to accommodate APZ's (p. 9).

The UDG states:

These streets are the **periphery streets**, distinctive because they **will have parkland on one side** and residential housing development on the other (p. 5)

The SoC under 'Bushfire Management' states:

The **Bushfire Management Plan (BMP) will be submitted** with documentation accompanying the Construction Certificate application.

The SoC under 'Environmental Management' states:

The SIMI include undertaking ongoing management of APZs for a period the lesser of 5 yrs from commencement of works or until all lots are sold. [The Statement of Interim Management Intent (SIMI) only includes the land within the conservation land commencing from the development area for 100 m].

Community Planning Comments:

As stated in the EA, APZs require ongoing vegetation control. Council is not willing to accept the dedication of land containing APZs and ongoing management responsibilities of APZs.

Section B1.3 of the UDG describes the Plant Types and Materials. The plants selected are divided into: trees in road verges, trees in parking lanes, swale trees, bioswale trees, and bioswale understorey. It is essential that any trees planted within APZs are selected for their fire retardant qualities as well as their qualities as either street trees or bio-swale trees. The UDG is to be amended to include categories such as APZ Trees in Road Verges, APZ Trees in Swale, APZ trees in Bioswale and APZ understorey in Bioswale.

Amend the UDG to include the APZ distances on the street cross sections where they located in Street Type A1, Street Type A2 and Street Type A3 and the development area boundary. The street cross sections should show few trees within APZ areas.

The purpose of APZs are to provide a fire break to protect assets/dwellings from bush fire attack. The number of trees within APZs should be limited providing at least a 5 metre minimum separation between mature tree heads/crowns.

The BMP is required to be provided at the development application stage. The SoC states the BMP will also include a Fuel Management Plan. The BMP should also include and consider the Tree Management Plan and provide a maintenance program for the trees located within the APZ. All management requirements are to be included such as tree lopping, thinning, ground fuel reduction. Information is also required identifying existing trees, new plantings, the mature height and width of species, and the required spacing of each specie. This is required to be provided at development application stage for Council to assess the ongoing Asset Maintenance costs associated with the APZs.

Proposed treatment of APZ's require a Fire Safety Certificate indicating the endorsement of the proposed works from the Rural Fire Service.

If after assessment, Council does not choose to maintain the trees within the APZs / bioswales to the required standard, perhaps an option maybe that no trees are located in the APZs, on land to be dedicated to Council.

APZs on land or roads to be dedicated to Council are required to be maintained for a 5 year period. Maintenance includes existing and new plantings and fuel reduction requirements. Amend all the documentation accordingly.

8.7. Street Trees

Requirement:

The DGEARs under 'Urban design and built form' requires the applicant to:

Provide **details of proposed treatment** of all public domain areas

Outcome:

UDG under B1.2 Street types states:

A 1.2 m wide footpath is to be located on the housing verge, together with turf and **Eucalyptus / Angophora plantings** in informal / staggered layouts (p. 5)

The UDG states:

...a subtle variety of **street planting based on the endemic species** (p. 4)

The forest landscape type of **peppermint / smooth barked apple** is to be developed in streets and parking lanes with planting of same and similar species of **tall trees** with thin, layer canopies (p. 9).

Swale trees will be smaller and denser riparian species trees, more suited to drainage corridors, and appropriate for planting in APZ's (p. 9).

The SoC states under Landscaping that:

Landscaping will be undertaken in accordance with the CP and UBG prepared by AJ+C and Aspect Studios.

Community Planning Comments: *Ficus rubiginosa*, Port Jackson Fig, is a tree identified for swale tree planting. This species is not considered to be a 'smaller' tree and may not be acceptable for planting within the road reserve. *Eucalyptus robusta*, Swamp Mahogany, is a tree proposed to be planted in road verges. The endemic species proposed may not be acceptable to Council as street trees.

In accordance with the DGEARs details of proposed work in Public Domain areas is required including species type, planting spacing and planting requirements. The eucalyptus and angophora tree species, proposed to be planted within streets, may not be acceptable to Council. Council is required to approve details of any future street tree planting or proposed plantings on land dedicated to Council.

Council requires all proposed plantings, including street tree planting, to be maintained for a period of 5 years. Amend all the documentation accordingly.

8.8. Street Type A2

The DGEARs under 'Infrastructure and utilities' states the applicant is required to:

Identify and address the impacts of additional demand created by the development on existing infrastructure including public transport, open space and recreation facilities, retail facilities and other social and community facilities. Identify the need for additional facilities through negotiation with State and local government agencies.

The CP states:

Parallel on-street parking will occur on all streets (p. 12)

The UDF states in relation to Street Type A1, A2 and A3:

These streets are the periphery streets, distinctive because they will have parkland on one side and residential housing development of the other (p. 5)

Carriageways will be narrow, with a swale and buffer planting along the park side to filter and protect the conservation areas (P. 5)

Community Planning Comments: According to the CP, the street along the length of the foreshore is Street Type A2, which has parking only on one side of the carriageway.

The street along the foreshore is required to be wider to accommodate the possible future demand. Foreshore areas are natural attractors. Problems arise when roads are insufficient to provide for the possible increased use generated from these areas. The road along the length of the foreshore area is required to accommodate parking on both sides of the carriageway. The UDG is required to be modified accordingly.

8.9. Foreshore Land - Rehabilitation

Requirement: The DGEARs under 'Future Public Land' require the applicant to:

Identify any proposed open space or conservation lands and outline arrangement for ownership and control, management and maintenance, funding, public access, revegetation and **rehabilitation works**, and bushfire management.

Outcome:

The EA Section 2.4.3 states:

Protection of sensitive lake foreshore area (p. 17)

Community Planning Comments:

Photo 1 indicates the lake foreshore is suffering the effects of erosion. At other sites around Lake Macquarie Council has introduced pebbles to the waters edge and undertaken some low planting to stabilise the bank. The foreshore restoration work is required to be undertaken before the land is dedicated to NSWG.

8.10. Foreshore Land – Public Access

Requirement: The DGEARs under 'Future Public Land' require the applicant to:

Identify any proposed open space or conservation lands and outline arrangement for ownership and control, management and maintenance, funding, **public access**, revegetation and rehabilitation works, and bushfire management.

The DGEARs under 'Coastal Foreshore and Public Access' requires the applicant to:

Outline measures to protect and **enhance existing public access through the site to and along the foreshore** and provide, where appropriate, new opportunities for public access that is compatible with the natural attributes of the coastal foreshore.

The DGEARs under 'Urban design and built form' require the applicant to:

Address the principles of **Crime Prevention Through Environmental Design**.

Outcome:

The EA, Section 2.4.3 – Design Consideration, states:

Provide parkland and public access along the foreshore (p. 17)

Community Planning Comments:

Photo 2 and 3 indicates the existing public access. The foreshore land is to be dedicated to NSWG. In accordance with the DGEARs the existing public access from the development site to the foreshore is required to be defined and formalised prior to dedication. The public access should be a concrete pathway for low maintenance and to increase accessibility.

The existing steps are to be inspected to ensure they are compliant with current standards, and if not, new steps are required to be installed to meet the standards. The vegetation near the identified public access route may require removal or thinning to ensure compliance with Crime Prevention Through Environmental Design (Safety by Design Principles).

This is in accordance with SEPP 71 in which the matters for considerations include: 'Protection of existing public access to foreshores and provision for new public access' and 'Retention of existing public access (including disabled access) and where possible the improvement of public access, including access for disabled persons.

8.11. Foreshore Land – Car park

Requirement: The DGEARs under 'Coastal Foreshore and Public Access' requires the applicant to:

Outline measures to **protect and enhance existing public access** through the site to and along the foreshore and provide, where appropriate, **new opportunities for public access** that is compatible with the natural attributes of the coastal foreshore.

The DGEARs under 'Urban design and built form' Item 3 requires the applicant to:

Provide details of proposed treatment of **all public domain areas**.

Outcome:

The EA, Section 2.4.3 – Design Consideration, states:

Provide parkland and public access along the foreshore (p. 17)

Community Planning Comments:

Photos 2, 3 and 4 indicate the land is currently a foreshore parkland area. The DGEARs are to provide new opportunities for public access. New opportunities may include the provision of seating at appropriate locations.

Photo 5 shows an existing car park on the foreshore land. The car park is required to be defined and constructed to the requirements of LM DCP No. 1 prior to the land being dedicated to the NSWG. This measure protects and enhances the foreshore land it reduces erosion, and the installation of seating provides new opportunities for public access.

8.12. Pathway Around the Development Site

Requirement: The DGEARs in relation to 'Transport and Accessibility' requires the applicant to prepare a Traffic Study that includes the following:

Proposed pedestrian and cycleway access within and to the site...

Outcome:

The CP states:

Footpaths will be provided on all streets, on one verge (p. 12)

The UDG states:

1.2 m wide footpath and parallel on-street parking will occur on all streets.

Community Planning Comments:

This proposal identifies the boundary streets as Street Type A1, A2 and A3. These Street types locate a footpath over the services on the property boundary. A pathway on the open space side

of the road provides a more desirable walking environment. The minimum desirable width for this pathway is 1.5 metres wide.

For the proposed lot layout this pathway should also be extended on from the cul-de-sac along Branter Road through the proposed vegetation buffer along Branter Road to the lake foreshore. It is desirable to provide a contiguous pathway around the development area, which will then provide a walking circuit for the new residents.

8.13. Pedestrian Pathway – to Public School

Requirement: The DGEARs under 'Urban design and built form' Item (4) requires the applicant to:

Identify opportunities to link the proposed development to the existing village and surrounding areas, including through appropriate **pedestrian** and cycleway **connections**.

The DGEARs under 'Transport and Accessibility' Item (h) requires the applicant to prepare a Traffic Study that includes:

Proposed pedestrian and cycleway access within and to the site that connects to all relevant transport services, nearby settlements, and other key off-site locations having regard to the *NSW Planning Guidelines for Walking and Cycling (2004)*, and the *NSW Bike Plan (2010)*

The DGEARs under 'Transport and Accessibility' Item (i) requires:

Timing of delivery of proposed transport infrastructure including road and intersection upgrades, **pedestrian** and cycle paths, and public transport infrastructure;

Outcome:

The UDG states:

The street layout is designed to provide **safe walking** and bicycle routes that link the site with the existing settlements at Nords Wharf and with its parks and services (p. 4)

- **Footpath to Nearest Bus Stop**

Outcome: The SoC for Pedestrian access and bus stop along Government Road provides

A 1.2 m wide **pedestrian pathway** is to be constructed along Government Road to the nearest bus stop. Details will be submitted with the Construction Certificate application for Stage 1 works.

- **Footpath to Public School**

Outcome: The \$5M identifies an initiative for a Footpath Extension – to

Extend 1.2 m **foot path** in Government Road from closest bus stop to new estate to public school - \$85,000).

Community Planning Comments: The nearest bus stop to the new estate is located on the corner of the Awabakal Drive and Government Road intersection. The primary school and community pre-school are located at 55 Marine Parade, Nords Wharf directly opposite Baxter Park. From the nearest bus stop at Awabakal Drive intersection to the primary school is approximately 1,000 metres.

- **Footpath Linkage to Gathercole Park**

Community Planning Comments: The \$5M identifies an initiative for a footpath extension to the public school. This foot path should provide for a short connect to the nearest park Gathercole Reserve. The distance from the corner of Marine Parade and Philip Road to Gathercole Reserve is only another 135 metres.

8.14. Cycleway

Requirement: The DGEARs under 'Urban design and built form' Item (4) requires the applicant to:

Identify opportunities to link the proposed development to the existing village and surrounding areas, including through appropriate pedestrian and **cycleway connections**.

The DGEARs under 'Transport and Accessibility' Item (h) requires the applicant to prepare a Traffic Study that includes:

Proposed pedestrian and **cycleway access** within and to the site that connects to all relevant transport services, nearby settlements, and other key off-site locations having regard to the *NSW Planning Guidelines for Walking and Cycling (2004)*, and the *NSW Bike Plan (2010)*

The DGEARs under 'Transport and Accessibility' Item (i) requires:

Timing of delivery of proposed transport infrastructure including road and intersection upgrades, pedestrian and **cycle paths**, and public transport infrastructure;

Outcome:

The TT Report, Section 3.6, Table 3-7, ID 1 states:

The **shared use paths** provide an incentive for residents to choose cycling as their transport mode, for work or other purposes such as school or recreation (p. 35).

The TT Report, Section 3.6, Table 3-7, ID 3 states:

Pedestrian **and cycle routes** within the development will connect with existing facilities provided along Awabakal Drive including existing public transport services (p. 35).:

The Traffic and Transport Report (TT), Section 2.4 – Pedestrian and cyclist network states:

In Nords Wharf, all local roads and streets are **designated a shared cycling** and pedestrian usage. Regional arterials like the Pacific Highway are also **designated as shared vehicular and cycling routes** (p. 10).

The CP states:

Cycle ways will be on street, in recognition of low traffic volumes (p.12)

The UDG states:

The street layout is designed to provide safe walking and **bicycle routes** that link the site with the existing settlements at Nords Wharf and with its parks and services (p. 4)

Community Planning Comments:

A pedestrian walkway is quite different to a cycleway. Pedestrian pathways are 1.2 m wide and are designated for pedestrians, however, a child under the age of 12 yrs is permitted to cycle on a pedestrian pathway. A bicycle land is provided on-road and designated for cyclists. A cycle land required 1.5 m to 2.5 m (however, it can be reduced to 1 m at short pinch points). A shared pathway is usually located off-road and required between 2.0 – 4.0 metres. It caters for both user groups and a person of any age is permitted to cycle on a shared pathway. The off-road shared pathway is the preferred safer option rather than forcing cyclists (12 yrs and over) onto the road system.

The UDG, Figure B1.2.2 – B1.2.6 – Street Types does not include any cycle lanes or shared pathways.

The DGEARs requires the provision of cycleway connections. No designated cycleways or shared use paths have been provided. The documentation provided is false, mislead and contradictory. The documentation is required to be amended to indicate the provision for designated cycleways or shared use paths.

A cycleway is required to be provided from the Pacific Highway along Awabakal Avenue to Branter Street. This will provide a linkage for this new population to access the beach at Catherine Hill Bay

and for the Catherine Hill Bay to access the primary school at Nords Wharf. The distance of this cycleway is approximately 430 metres.

8.15. Foreshore Walkway to Gwandalan

Outcome: The \$5M identifies an initiative for Walkways DECC Approval Dependent -

Provision for Walking paths external to C&A land proposed by the community between Nords Wharf and Gwandalan, subject to application to DECCW - \$400,000.

If approval cannot be reached with DECCW the contribution will be re-allocated. Alternative options for this allocation will be identified through discussion with the local community.

Community Planning Comments: Council endorses this proposal in principle. If the proposal is not able to be approved by DECCW then Council would like to be consulted in relation to providing alternative options for the reallocation of these funds.

8.16. Statement of Commitments

Requirement: The DGEARs under 'General Requirements' Item (5) requires the applicant to prepare:

A draft SoC, outlining specific commitments to the project's management, mitigation and monitoring measures with a clear identification of the timing and responsibility for these measures.

Community Planning Response: Not all the DGEARs have been addressed. The SoC does not identify timing and responsibility for undertaking these works.

8.17. The \$5 M Allocation Fund

Outcome: An initiative identified is:

The \$5M identifies an initiative for a Footpath Extension – to

Extend 1.2 m **foot path** in Government Road from closest bus stop to new estate to public school - \$85,000).

Community Planning Comments: This foot path should also include a short connection to Gathercole Park.

Attachment 1



Photo 1: Existing erosion on the foreshore in front on the development area



Photo 2: Existing public access along the foreshore in front of the development area

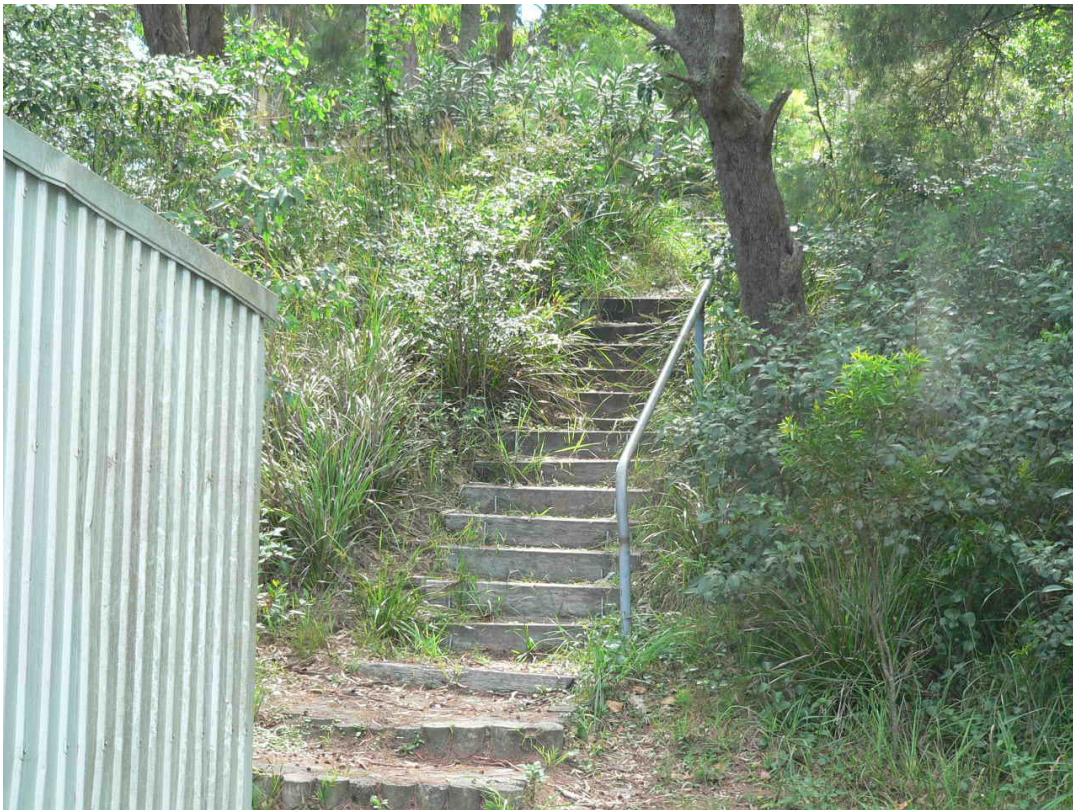


Photo 3: Existing access providing access from the development area to the foreshore



Photo 4: The foreshore in front of the proposed development area – currently mown and maintained



Photo 5: The existing gravel car park within the foreshore land in front of the development site

9 DEVELOPER CONTRIBUTIONS

The Lower Hunter Regional Strategy, which identifies an additional 36,000 dwellings or 72,000 people for the City of Lake Macquarie over a 25-year period, represents a significant increase (38%) to the current population. Given the magnitude of estimated residential growth, it is imperative that Council is in a position to provide the infrastructure needs of the new community. Adequate infrastructure provision in Lake Macquarie is more challenging than in many other local Government areas (LGA) by virtue of the large area the LGA covers (787 square kilometres), the large lake in the centre of the LGA, and maintenance of an extensive foreshore around the lake.

The development areas of Nords Wharf and Catherine Hill Bay currently fall within the Lake Macquarie Section 94 Contributions Plan No.1 – Citywide – Belmont Catchment (2004), as amended (Belmont Catchment Plan). Council has a program to comprehensively review the Belmont Catchment Plan and four other contribution catchment plans. The review will consider facility provision standards and the infrastructure required by new development anticipated until 2025.

The planning and provision of local infrastructure required for new development at Nords Wharf and Catherine Hill Bay is best achieved through an assessment of the infrastructure required for both the Rose Group (estimated 600 lots) and Coal and Allied (estimated 312 lots) developments, rather than, a piecemeal approach of considering each development separately. Without the amalgamation of contributions, facilities cannot be provided adequately.

Based on the current per lot contribution levy under the Belmont Catchment Plan:

- Table 1 details an estimate of total contributions from both the Rose Group and Coal and Allied developments at Nords Wharf and Catherine Hill Bay.
- Table 2 summarises the allocations from both the Rose Group and Coal and Allied developments.
- Table 3 details the recommended approach to allocate contributions from the Coal and Allied development at Nords Wharf and Catherine Hill Bay.
- Table 4 details the recommended approach to allocate contributions from the Rose Group development at Catherine Hill Bay. Please note figures may change if land dedications are required by Council and are acceptable to the proponent.
- Council has provided the Swansea library in anticipation of development occurring in this area. Cash contributions are required by Council for the recoupment of the Swansea Library and management of developer contributions.

The figures quoted in the following tables are a guide only as they reflect the current contributions, estimated land value, and are subject to indexation on and from the 15 February 2011.

It is important to note that levies are calculated on a per lot basis and reflect an average occupancy rate of 2.5 people/lot. Council has recently undertaken a development growth forecast study for the Morisset Contributions Catchment area for the period 2010-2025. Future development in this area is predominately detached housing on individual lots, mirroring the likely development at CHB. This study identified an occupancy ratio of 2.91 persons per household.

Council officers support a voluntary planning agreement approach at Major Project Application stage to facilitate, in particular, works-in-kind opportunities and land dedications to Council.

Table 1 – Nords Wharf and Catherine Hill Bay Total Contributions (Valid until 14 February 2011)

		Catherine Hill Bay (CHB)		Nords Wharf (NW)	
		Rose Group	Coal and Allied		Total (CHB and NW)
Facility	Levy per lot	Estimated 600 lots	Estimated 222 lots	Estimated 90 lots	
Open space land acquisition	\$7,702	\$4,621,200	\$1,709,844	\$693,180	\$7,024,224
Recreation facilities	\$5,772	\$3,463,200	\$1,281,384	\$519,480	\$5,264,064
Community Facilities - Capital	\$2,290	\$1,374,000	\$508,380	\$206,100	\$2,088,480
Community Facilities - Land	\$637	\$382,200	\$141,414	\$57,330	\$580,944
Management	\$175	\$105,000	\$38,850	\$15,750	\$159,600
Total	\$16,576	\$9,945,600	\$3,679,872	\$1,491,840	\$15,117,312

Table 2 – Allocations summary (Valid until 14 February 2011)

Facility	Allocation
Catherine Hill Bay Oval and park, and additional recreation facility within the Rose Group development site	\$8,255,628
Catherine Hill Bay Surf Club	\$4,030,031
Nords Wharf community facilities	\$211,317
Nords Wharf recreation facilities	\$1,212,660
Land dedications	\$720,000
Cash	\$687,675
Total	\$15,117,311

Table 3 – Coal and Allied development at Nords Wharf and Catherine Hill Bay (Valid until 14 February 2011)

Facility	Total Levy	Allocations						
		Land Dedications	CHB Oval and park	CHB Surf Club	Cash	Nords Wharf Recreation Facilities	Nords Wharf Community Facilities	Total Allocations
OSA	\$2,403,024	\$720,000	\$989,844			\$693,180		\$2,403,024
Recreation facilities	\$1,800,864		\$1,281,384			\$519,480		\$1,800,864
Community Facilities - Capital	\$714,480			\$406,704	\$142,896		\$164,880	\$714,480
Community Facilities - Land	\$198,744			\$114,545	\$37,761		\$46,437	\$198,744
Management	\$54,600				\$54,600			\$54,600
Total	\$5,171,712	\$720,000	\$2,271,228	\$521,249	\$235,257	\$1,212,660	\$211,317	\$5,171,712

Table 4 – Rose Group Development at Catherine Hill Bay (Valid until 14 February 2011)

Facility	Total Levy	Allocations				Total Allocations
		Land Dedication	Catherine Hill Bay Oval and park, and additional recreation facility within the Rose Group development site	CHB Surf Club	Cash	
OSA	\$4,621,200		\$4,621,200			\$4,621,200
Recreation facilities	\$3,463,200		\$1,363,200	\$2,100,000		\$3,463,200
Community Facilities - Capital	\$1,374,000			\$1,099,200	\$274,800	\$1,374,000
Community Facilities - Land	\$382,200			\$309,582	\$72,618	\$382,200
Management	\$105,000				\$105,000	\$105,000
Total	\$9,945,600	\$0	\$5,984,400	\$3,508,782	\$452,418	\$9,945,600

